

SENATE FILE NO. SF0020

Data privacy-government entities.

Sponsored by: Select Committee on Blockchain, Financial
Technology and Digital Innovation Technology

A BILL

for

1 AN ACT relating to the administration of the government;
2 requiring government entities to adopt policies for the
3 collection, access, security and use of personal data as
4 specified; requiring specific personal data policies;
5 providing definitions; specifying applicability; and
6 providing for effective dates.

7

8 *Be It Enacted by the Legislature of the State of Wyoming:*

9

10 **Section 1.** W.S. 9-21-201 and 9-21-202 are created to
11 read:

12

13

ARTICLE 2

14

DATA PRIVACY-GOVERNMENT ENTITIES

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1 **9-21-201. Definitions.**

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3 (a) As used in this article:

4

5 (i) "Deidentified data" means data that cannot
6 reasonably be used to infer information about, or otherwise
7 be linked to, an identified or identifiable natural person
8 or personal digital identity or a device linked to a
9 natural person or personal digital identity;

10

11 (ii) "Government entity" means the state and all
12 its political subdivisions, agencies, instrumentalities and
13 institutions and any local government entity. "Government
14 entity" shall not include the judicial branch of government
15 or any law enforcement agency in Wyoming;

16

17 (iii) "Identified or identifiable natural
18 person" means a natural person who can be readily
19 identified, directly or indirectly, by reference to an
20 identifier such as a name, an identification number,
21 specific geolocation data or an online identifier;

22

1 (iv) "Law enforcement agency" means a county,
2 municipal, college or university police force, Wyoming
3 highway patrol, the division of criminal investigation, the
4 department of corrections, the game and fish department
5 when acting within its law enforcement capacity or any
6 state or local agency or political subdivision or part of
7 an agency or political subdivision to the extent that the
8 primary purpose of the agency or political subdivision, or
9 part thereof, is the prevention or investigation of crime
10 or the enforcement of penal, traffic, regulatory or
11 criminal laws. "Law enforcement agency" shall not include
12 the office of any city, county or district attorney or
13 other division of the attorney general;

14

15 (v) "Personal data" means information that is
16 linked or reasonably linkable to an identified or
17 identifiable natural person or personal digital identity
18 and does not include deidentified data;

19

20 (vi) "Personal digital identity" means as
21 defined in W.S. 8-1-102(a)(xviii).

22

1 **9-21-202. Limitations on personal data by government**
2 **entities; conflict of laws.**

3
4 (a) No government entity shall purchase, sell, trade
5 or transfer personal data without the express written
6 consent of the natural person whom the personal data
7 references except as otherwise expressly provided by law
8 and except that:

9
10 (i) A government entity may transfer personal
11 data to another government entity provided that the other
12 government entity complies with this article;

13
14 (ii) A government entity may transfer personal
15 data to a nongovernment entity contracted by the government
16 entity to provide or assist with government services
17 provided by the government entity. Any contract for
18 services with a nongovernment entity shall include
19 requirements for the protection of personal data consistent
20 with this article. Any personal data transferred pursuant
21 to this paragraph shall be returned or destroyed by the
22 nongovernment entity once the personal data is no longer
23 necessary for the provision of the government service. No

1 nongovernment entity shall maintain, sell, transfer,
2 process or otherwise use the personal data in any manner
3 except as necessary to provide the contracted service;

4

5 (iii) A government entity may petition the
6 elected governing person or body with authority over the
7 government entity for an exception to this subsection on a
8 case by case basis. The elected governing person or body,
9 in the elected governing person's or body's discretion, may
10 publicly approve in writing an exception to this subsection
11 not to exceed a term of two (2) years per petition; and

12

13 (iv) Nothing in this subsection shall be
14 construed to prohibit the transfer of personal data that is
15 transferrable pursuant to the Health Insurance Portability
16 and Accountability Act or the Family Education Rights and
17 Privacy Act.

18

19 (b) Any current or former Wyoming resident or the
20 resident's legally authorized representative may request a
21 copy of their personal data from any government entity
22 maintaining it. The government entity may charge a fee for
23 production of the requested personal data consistent with

1 fees authorized to be charged under the Wyoming Public
2 Records Act, W.S. 16-4-201 through 16-4-205.

3

4 (c) A current or former Wyoming resident or the
5 resident's legally authorized representative who objects to
6 the accuracy, completeness, pertinence, timeliness,
7 relevance, retention, dissemination or denial of access to
8 the resident's own personal data that is maintained by a
9 government entity may, individually or through a duly
10 authorized representative, file an objection with the
11 government entity that maintains the data. The government
12 entity maintaining the personal data shall, within sixty
13 (60) days of the receipt of an objection:

14

15 (i) Review the validity of the objection;

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17 (ii) If the objection is found to be meritorious
18 after review, alter the contents of, or the methods for
19 holding, or the dissemination or use of the personal data,
20 or delete or grant access to it;

21

22 (iii) If the objection is found to lack merit
23 after review, provide the resident the opportunity to have

1 a statement reflecting the resident's views maintained with
2 the personal data in question;

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4 (iv) Notify the resident in writing of any
5 decision regarding the resident's objection.

6

7 (d) To the extent that a provision of this article
8 conflicts with another provision of state or federal law,
9 the other provision shall control. Nothing in this article
10 shall be construed to abrogate any disclosure of data or
11 public records under the Wyoming Public Records Act, W.S.
12 16-4-201 through 16-4-205.

13

14 **Section 2.** W.S. 9-21-203 is created to read:

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16 **9-21-203. Personal data collection and retention by**
17 **government entities.**

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19 (a) In addition to the policies required under W.S.
20 9-21-101, if applicable, each government entity that
21 collects or retains personal data shall adopt, enforce and
22 maintain a policy regarding the collection, access,
23 retention, security and use of personal data consistent

1 with all applicable federal and state laws, including this
2 article.

3

4 (b) No government entity shall collect or maintain
5 more personal data than is reasonably necessary for the
6 performance of the government entity's lawful functions.
7 All personal data collected and maintained by government
8 entities shall be necessary for a specific purpose
9 identified in the adopted policies of the government
10 entity.

11

12 (c) No government entity shall maintain personal data
13 for longer than three (3) years without a written policy
14 identifying the extended retention period and providing a
15 reasonable justification for the extended retention period.
16 Statutory retention requirements provided for in W.S.
17 9-2-405 through 9-2-413 constitute a reasonable
18 justification.

19

20 (d) A government entity to which the Health Insurance
21 Portability and Accountability Act or the Family Education
22 Rights and Privacy Act applies that is compliant with a
23 written data collection and retention policy that meets the

1 requirements of the Health Insurance Portability and
2 Accountability Act or the Family Education Rights and
3 Privacy Act shall be deemed compliant with this section.

4

5 **Section 3.** Not later than January 1, 2027, the state
6 chief information officer in consultation with the state
7 archivist shall develop sample policies for use by all
8 government entities as defined by W.S. 9-21-201(a)(ii).

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10 **Section 4.** W.S. 9-21-203 as created by section 2 of
11 this act shall be effective as to counties, cities, public
12 institutions of higher education or towns on July 1, 2028
13 and as to each political subdivision of the state other
14 than state agencies, counties, cities, public institutions
15 of higher education or towns on July 1, 2029. All
16 government entities as defined by W.S. 9-21-201(a)(ii)
17 shall adopt any necessary policies and procedures to meet
18 the requirements of this act.

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